



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 028-18 125-127 EUCALYPTUS HILL CIRCLE LOT LINE ADJUSTMENT JUNE 20, 2018

APPLICATION OF TERI MALINOWSKI, AGENT FOR OWNER, FOR A LOT LINE ADJUSTMENT AT 125-127 EUCALYPTUS HILL CIRCLE, APNS 015-231-034 AND -033, RS- 15/PUD ZONES, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL 3 DU/AC (MST2017-00756)

The project consists of a lot line adjustment between two residential condominium lots. The subject lots are a part of a fourplex which is part of a 28-lot Planned Unit Development (PUD). The project proposes to transfer approximately 334 square feet of lot area from Lot 25 (127 Eucalyptus Hill Circle) to Lot 26 (125 Eucalyptus Hill Circle). Currently, the residential unit on Lot 25 is built 5 feet over the property line; the proposed adjustment would rectify the lot line with the existing development. Following the adjustment, proposed Lot 26 would be increased in size from 2,849 square feet to 3,182 square feet and proposed Lot 25 would be reduced in size from 2,699 to 2,365 square feet. The adjustment affects an interior lot line and would not change the development potential of either lot. Since both lots are a part of an approved PUD there is no required minimum lot size. No development is proposed as part of the project; however a separate application (MST2018-00027) for a new residential unit at 127 Eucalyptus Hill Circle is being processed concurrently.

The discretionary application required for this project is a Lot Line Adjustment to transfer 334 square feet from 127 Eucalyptus Hill Circle to 125 Eucalyptus Hill Circle (SBMC §27.40, Gov. Code 66412). The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305, Minor Alterations in Land Use Limitations.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 13, 2018
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer approved the Lot Line Adjustment making the findings and determinations that the proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances in that it would relocate the property line that currently bisects existing residential unit at 125 Eucalyptus Hill Circle to a location between 125 and 127 Eucalyptus Hill Circle and would not prevent the construction of a unit at 127 Eucalyptus Hill Circle, consistent with the intent of the approved

Planned Unit Development. Both properties would comply with requirements of the Zoning Ordinance and the City's General Plan.

I. Said approval is subject to the following conditions:

A. Order of Development. In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain design review approval for the proposed residence at 127 Eucalyptus Hill Circle.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Submit an application for and obtain Building Permit(s) for, the construction of the residence at 127 Eucalyptus Hill Circle including all required private improvements and receive final building permit inspection signoff or Certificate of Occupancy for the construction of the residence at 127 Eucalyptus Hill Circle including all required private improvements, prior to recordation of the Lot Line Adjustment to ensure the adjustment will result in two lots with existing primary structures.
4. Submit an application to Public Works for a Lot Line Adjustment, obtain City Council approval of the Lot Line Adjustment and Agreement(s), and record said documents.

Details on implementation of these steps are provided throughout the conditions of approval.

B. Public Works Department. The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Public Works Department.

1. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project concurrently.
2. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof or Declarations of Lot Line Adjustment* to the Public Works Department. A surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject Agreement or Declaration for the subject properties, which shall be recorded in the Office of the County Recorder.

C. General Conditions.

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16

U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

2. **Approval Limitations.**

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.


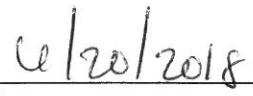
Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

II. NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS:

The Staff Hearing Officer action approving the Lot Line Adjustment shall expire three (3) years from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.40.100.

This motion was passed and adopted on the 20th day of June, 2018 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Krystal M. Vaughn, Staff Hearing Officer Secretary Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.